

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

NICHIA CORPORATION,	)
	)
Plaintiff,	)
	)
v.	) C.A. No. 2:13-cv-702 JRG
	)
EVERLIGHT ELECTRONICS CO., LTD.,	)
EVERLIGHT AMERICAS, INC.,	)
ZENARO LIGHTING, INC., and	)
ZITROZ LLC	)
	)
Defendants.	)

**SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Nichia Corporation (Nichia), by its undersigned counsel, as and for its Second Amended Complaint against Everlight Electronics Co., Ltd., Everlight Americas, Inc., Zenaro Lighting, Inc., and Zitroz LLC (collectively, Defendants), alleges as follows:

**THE PARTIES**

1. Plaintiff Nichia Corporation is a corporation organized and existing under the laws of Japan, with its principal place of business at 491 Oka, Kaminaka-Cho, Anan-Shi, Tokushima, Japan 774-8601.
2. Upon information and belief, Defendant Everlight Electronics Co., Ltd. (Everlight) is a corporation organized and existing under the laws of Taiwan, with its headquarters and principal place of business at No. 6-8, Zhonghua Rd., Shulin Dist., New Taipei City, Taiwan 23860. Upon information and belief, Everlight manufactures light-emitting diode (LED) products in Taiwan and, through its subsidiaries, Defendant Everlight Americas, Inc.,

and Defendant Zenaro Lighting, Inc., has sales offices in the State of Texas and elsewhere in the United States.

3. Upon information and belief, Defendant Everlight Americas, Inc. (Everlight Americas) is a subsidiary of Everlight, is incorporated in Texas, and has its principal place of business at 3220 Commander Dr., Suite 100, Carrollton, Texas, 75006. Upon information and belief, Everlight Americas sells and/or offers for sale nationwide LED products manufactured by Everlight, including in the State of Texas and in this judicial district.

4. Upon information and belief, Defendant Zenaro Lighting, Inc. (Zenaro) is a Florida corporation with its principal place of business at 3618 Quantum Blvd., Boynton Beach, Florida 33426. Upon information and belief, Zenaro is a wholly- or partially-owned subsidiary of defendant Everlight, was established in 2010 as Everlights solid-state LED lamp and luminaire division, and sells and/or offers for sale lamps and luminaires that contain Everlight LED devices throughout the United States, including in Texas and in this judicial district. Upon information and belief, Zenaros registered agent in Florida is National Corporate Research, Ltd., Inc., 155 Office Plaza Drive, Tallahassee, Florida, 32301.

5. Upon information and belief, Defendant Zitroz LLC (Zitroz) is a California limited liability company with its principal place of business at 3855 Main Street, Chula Vista, California 91911. Upon information and belief, Zitroz provides direct sales and marketing support for Zenaros LED lamp and luminaire retrofit program and Zenaros distribution initiatives; in that capacity or otherwise, Zitroz sells and/or offers for sale Zenaro lamps and luminaires that contain Everlight LED devices throughout the United States, including in Texas and in this judicial district.

**JURISDICTION AND VENUE**

6. This is a civil action for patent infringement arising under the patent laws, 35 U.S.C. §§ 1 *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. On information and belief, the Defendants have solicited business in the State of Texas and in this judicial district, transacted business within the State of Texas and in this judicial district, and attempted to derive financial benefit from residents of the State of Texas and this judicial district, including benefits directly related to the patent infringement cause of action set forth herein.

8. On information and belief, the Defendants have placed their infringing LED products into the stream of commerce throughout the United States with the expectation that they will be offered for sale, sold, and used in the State of Texas and in this judicial district, which LED products have been offered for sale, sold and used in this judicial district, as explained in detail below.

9. Each of the Defendants is subject to personal jurisdiction in this judicial district.

10. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

**COUNT I**  
**(Against Everlight and Everlight Americas)**  
**(Infringement of U.S. Patent No. 7,432,589)**

11. Nichia hereby incorporates by reference the allegations in Paragraphs 1 through 10 as if fully set forth herein.

12. U.S. Patent No. 7,432,589 (the “589 Patent”), entitled “Semiconductor Device,” was duly and lawfully issued by the U.S. Patent and Trademark Office on October 7, 2008. A true and correct copy of the 589 Patent is attached as Exhibit A.

13. Nichia is the owner of the -589 Patent by valid assignment. Nichia owns all rights, title, and interest in the -589 Patent, including the right to sue for and recover all past, present, and future damages for infringement of the -589 Patent.

14. Defendants Everlight and Everlight Americas, by their manufacture, use, importation, sale, and/or offer for sale in the United States of LED products, such as Everlight's LED model 61-238/RSGBB7C-B02/ET, have been and are now infringing at least claim 1 of the -589 Patent, in the State of Texas, in this judicial district, and elsewhere, in violation of 35 U.S.C. § 271.

**COUNT II**  
**(Against Everlight, Everlight Americas, and Zenaro)**  
**(Infringement of U.S. Patent No. 7,462,870)**

15. Nichia hereby incorporates by reference the allegations in Paragraphs 1 through 10 as if fully set forth herein.

16. U.S. Patent No. 7,462,870 (the -870 Patent), entitled "Molded Package and Semiconductor Device Using Molded Package," was duly and lawfully issued by the U.S. Patent and Trademark Office on December 9, 2008. A true and correct copy of the -870 Patent is attached as Exhibit B.

17. Nichia is the owner of the -870 Patent by valid assignment. Nichia owns all rights, title, and interest in the -870 Patent, including the right to sue for and recover all past, present, and future damages for infringement of the -870 Patent.

18. Defendants Everlight and Everlight Americas, by their manufacture, use, importation, sale, and/or offer for sale in the United States of LED products, such as Everlight's LED model EHP-A09K-BRTT-5670HDBEBD9K-1T8-AM, have been and are now infringing at least claim 1 of the -870 Patent, in the State of Texas, in this judicial district, and elsewhere, in violation of 35 U.S.C. § 271. In addition, defendant Zenaro, by its importation, use, sale, and/or

offer for sale in the United States of products that contain Everlight LED products, including model 62-217B, have been and are now infringing the -870 Patent in the State of Texas, in this judicial district, and elsewhere, in violation of 35 U.S.C.. § 271.

**COUNT III**  
**(Against Everlight and Everlight Americas)**  
**(Infringement of U.S. Patent No. 7,521,863)**

19. Nichia hereby incorporates by reference the allegations in Paragraphs 1 through 10 as if fully set forth herein.

20. U.S. Patent No. 7,521,863 (the -863 Patent), entitled "Light Emitting Device and Method for Producing the Same," was duly and lawfully issued by the U.S. Patent and Trademark Office on April 21, 2009. A true and correct copy of the -863 Patent is attached as Exhibit C.

21. Nichia is the owner of the -863 Patent by valid assignment. Nichia owns all rights, title, and interest in the -863 Patent, including the right to sue for and recover all past, present, and future damages for infringement of the -863 Patent.

22. Defendants Everlight and Everlight Americas, by their manufacture, use, importation, sale, and/or offer for sale in the United States of LED products, such as Everlight model EHP-B05MLG/GT04H-P05/65K/R11/TR, have been and are now infringing at least claim 2 of the -863 Patent, in the State of Texas, in this judicial district, and elsewhere, in violation of 35 U.S.C. § 271.

**COUNT IV**  
**(Against All Defendants)**  
**(Infringement of U.S. Patent No. 8,530,250)**

23. Nichia hereby incorporates by reference the allegations in Paragraphs 1 through 10 as if fully set forth herein.

24. U.S. Patent No. 8,530,250 (the “250 Patent”), entitled “Light Emitting Device, Resin Package, Resin-Molded Body, and Methods for Manufacturing Light-Emitting Device, Resin Package and Resin-Molded Body,” was duly and lawfully issued by the U.S. Patent and Trademark Office on September 10, 2013. A true and correct copy of the 250 Patent is attached as Exhibit D.

25. Nichia is the owner of the 250 Patent by valid assignment. Nichia owns all rights, title, and interest in the 250 Patent, including the right to sue for and recover all past, present, and future damages for infringement of the 250 Patent.

26. Defendants, either alone or collectively, by their manufacture, use, importation, sale, and/or offer for sale in the United States of LED products, lamps, and/or luminaires (including for example the Zenaro model RSL-T8-4FT-4000K-15W Frosted 277V tube light and the Everlight 3020 series of LED devices) have been and are now infringing at least claim 17 of the 250 Patent, in the State of Texas, in this judicial district, and elsewhere, in violation of 35 U.S.C. § 271.

#### **ALLEGATIONS COMMON TO ALL COUNTS**

27. Nichia hereby incorporates by reference the allegations in paragraphs 1 through 26 as if fully set forth herein.

28. Defendants’ actions are without the consent of Nichia and violate 35 U.S.C. § 271.

29. Nichia has been and will continue to be damaged by Defendants’ infringement of the 589, 870, 863, and 250 Patents (collectively, the “Patents-in-Suit”).

30. Nichia and has been and will continue to be irreparably harmed unless Defendants’ infringement of the Patents-in-Suit is enjoined.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Nichia Corporation prays that the Court enter judgment against Defendants and in favor of Nichia, as follows:

- A. Finding that each of the Patents-in-Suit was duly and legally issued, and is valid and enforceable.
- B. Finding that each of the Defendants has infringed one or more of the claims of the Patents-in-Suit.
- C. Ordering preliminary and permanent injunctive relief restraining and enjoining Defendants and their officers, agents, attorneys, employees, and those acting in privity or active concert with them, from infringement of each of the Patents-in-Suit for the full term thereof;
- D. Finding that this case is exceptional pursuant to 35 U.S.C. § 285;
- E. Awarding Plaintiff its costs and attorneys' fees; and
- F. Awarding Plaintiff such other and further post-judgment relief as this Court deems just and proper.

Respectfully submitted,

IRELAND CARROLL & KELLEY

By: /s/ Otis Carroll

Otis Carroll -- State Bar No. 03895700

Collin Michael Maloney -- State Bar No. 00794219  
6101 S Broadway, Suite 500

Tyler, TX 75703

Tel: (903) 561-1600

Fax: (903) 581-1071

Email: [fedserv@icklaw.com](mailto:fedserv@icklaw.com)

and

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

Robert P. Parker (admitted *pro hac vice*)  
Martin M. Zoltick  
Michael H. Jones  
Chen Li  
607 14<sup>th</sup> Street, N.W. ó Suite 800  
Washington, D.C. 20005  
Tel: (202) 783-6040  
Fax: (202) 783-6031  
Email: [rparker@rfem.com](mailto:rparker@rfem.com), [mzoltick@rfem.com](mailto:mzoltick@rfem.com),  
[mjones@rfem.com](mailto:mjones@rfem.com), [cli@rfem.com](mailto:cli@rfem.com)

*Attorneys for Plaintiff*  
*Nichia Corporation*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have  
consented to electronic service are being served with a copy of this document via the Court's  
CM/ECF system per Local Rule CV-5(a)(3) this 3<sup>rd</sup> day of December, 2014

/s/ Otis Carroll